

**SA18CR0943****OG**

U.S. Department of Justice

Rule 20 -- Transfer Notice

**FILED**

To: Paul H. Tzur Assistant U.S. Attorney	District Northern District of Illinois	Date December 17, 2018 DEC 17 2018 CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS BY <i>[Signature]</i> DEPUTY
Name of Subject: Bernabe Lara	Statute Violated 18 USC Section 922(g) (1)	File Data (Initials and Number) 18 CR 165

**Part A -- District of Arrest**

- ☒ The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your court. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.
- ☐ Enclosed is a certified copy of waiver of indictment by defendant. Kindly file criminal information and forward two certified copies thereof.
- ☒ Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceeding or certified copies thereof to the Clerk of the Court in this district in accordance with the Rule Docket No.
- ☐ Other (Specify):
- ☐ The above-named defendant entered a plea of guilty under Rule 20.
- |              |                  |          |
|--------------|------------------|----------|
| Date of Plea | Date of Sentence | Sentence |
|--------------|------------------|----------|

From (Signature and Title) <i>[Signature]</i> Assistant U.S. Attorney	Address U.S. Attorney's Office, Western District of Texas 601 N.W. Loop 410, #600, San Antonio TX 78216
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**Part B -- District of Offense**

- ☒ I am agreeable to Rule 20 disposition.
- ☐ I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ o'clock
- (Kindly notify me of any anticipated delay)
- ☐ Enclosed are two certified copies of indictment or information \_\_\_\_\_ Docket No.
- ☐ Please have defendant execute waiver of indictment.
- ☐ Other (Specify):

Signature (Name and Title) <i>[Signature]</i> Section Chief, Assistant U.S. Attorney	District N.D. Ill.	Date 12/17/18
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See United States Attorneys Manual 9-14.000 for an explanation of procedures under Rules 7 & 20, Federal Rules of Criminal Procedure.  
Replaces OBD-101, Fed. 83 edition may be used

*[Signature]*  
Assistant U.S. Attorney

FORM USA-231  
NOV. 85

**FILED**

MAR 15 2018

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

No.

**18CR 165**

v.

BERNABE LARA

Violation: Title 18, United States  
Code, Section 922(g)(1)

**JUDGE CHANG**

The SPECIAL DECEMBER 2017 GRAND JURY charges: **MAGISTRATE JUDGE KIM**

On or about May 9, 2017, at Chicago, in the Northern District of Illinois,  
Eastern Division,

**BERNABE LARA,**

defendant herein, previously having been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting commerce a firearm, namely, a loaded Diamondback, model DB9, 9-millimeter pistol bearing serial number YH2574, which firearm had traveled in interstate commerce prior to the defendant's possession of the firearm;

In violation of Title 18, United States Code, Section 922(g)(1).

**FORFEITURE ALLEGATION**

The SPECIAL DECEMBER 2017 GRAND JURY alleges:

1. Upon conviction of an offense in violation of Title 18, United States Code, Section 922(g), as set forth in this Indictment, defendant shall forfeit to the United States of America any firearm and ammunition involved in and used in the offense, as provided in Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

2. The property to be forfeited includes, but is not limited to, a Diamondback, model DB9, 9-millimeter pistol bearing serial number YH2574, and associated ammunition.

A TRUE BILL:

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
UNITED STATES ATTORNEY

Case: 1:18-cr-00165 Document #: 20 Filed: 12/20/18 Page 1 of 1 PageID #:29

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.2.2  
Eastern Division**

UNITED STATES OF AMERICA

Plaintiff,

v.

Case No.: 1:18-cr-00165

Honorable Edmond E. Chang

Bernabe Lara

Defendant.

**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Thursday, December 20, 2018:

MINUTE entry before the Honorable Edmond E. Chang: The motion [18] to transfer this case under Federal Rule of Criminal Procedure 20 is granted. The Clerk's Office shall transfer this case to the Western District of Texas (San Antonio). The status hearing of 01/22/2019 is vacated. Mailed notice. (mma, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at [www.ilnd.uscourts.gov](http://www.ilnd.uscourts.gov).

A TRUE COPY-ATTEST  
THOMAS G. BRUTON, CLERK  
By: s/ YVETTE PEARSON  
DEPUTY CLERK  
U.S. DISTRICT COURT, NORTHERN  
DISTRICT OF ILLINOIS  
December 21, 2018

The seal of the U.S. District Court, Northern District of Illinois, is circular. It features an eagle with spread wings in the center, perched on a shield. The words "U.S. DISTRICT COURT" are written in a circle around the eagle, and "NORTHERN DISTRICT OF ILLINOIS" is written in a larger circle at the bottom. The date "December 21, 2018" is stamped over the bottom part of the seal.

**United States District Court  
Northern District of Illinois - CM/ECF LIVE, Ver 6.2.2 (Chicago)  
CRIMINAL DOCKET FOR CASE #: 1:18-cr-00165 All Defendants**

Case title: USA v. Lara

Date Filed: 03/15/2018

Date Terminated: 12/21/2018

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Assigned to: Honorable Edmond E.  
Chang

**Defendant (1)**

**Bernabe Lara**

*TERMINATED: 12/21/2018*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

UNLAWFUL TRANSPORT OF  
FIREARMS, ETC.

(1)

**Disposition**

Rule 20 Transfer Out.

**Highest Offense Level  
(Terminated)**

Felony

**Complaints**

None

**Disposition**

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**Plaintiff**

**USA**

represented by **Paul H. Tzur**

United States Attorney's Office (NDIL - Chicago)  
219 South Dearborn Street  
Chicago, IL 60604

(312) 697-4032

Email: paul.tzur@usdoj.gov

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: Assistant US Attorney***AUSA - Chicago**

United States Attorney's Office (NDIL - Chicago)

219 South Dearborn Street

Chicago, IL 60604

Email: USAILN.ECFAUSA@usdoj.gov

**ATTORNEY TO BE NOTICED***Designation: Assistant US Attorney***Pretrial Services**

(312) 435-5793

Email:

ilnptdb\_Court\_Action\_Notice@ilnpt.uscourts.gov

**ATTORNEY TO BE NOTICED***Designation: Pretrial Services*

Date Filed	#	Docket Text
03/15/2018	<u>1</u>	INDICTMENT as to Bernabe Lara (1) count(s) 1 (mc, ) (Entered: 03/16/2018)
03/15/2018	<u>3</u>	DESIGNATION Sheet: FELONY (Category 3). (mc, ) (Entered: 03/16/2018)
03/15/2018	<u>4</u>	MINUTE entry before the Honorable Maria Valdez: To issue bench warrant. The Government will seek to have the Defendant detained without bond pursuant to title 18, United States code, section 3142. Mailed notice (mc, ) (Entered: 03/16/2018)
03/16/2018	<u>6</u>	BENCH WARRANT issued to U.S. Marshal as to Bernabe Lara (mc, ) (mc, ). (Entered: 03/16/2018)
03/16/2018	<u>5</u>	MINUTE entry before the Honorable Edmond E. Chang: Arraignment set for 04/11/2018 at 11:00 a.m. Emailed notice (slb, ) (Entered: 03/16/2018)
04/04/2018	<u>7</u>	MOTION by USA to continue as to Bernabe Lara <i>Arraignment</i> (Tzur, Paul) (Entered: 04/04/2018)
04/04/2018	<u>8</u>	NOTICE of Motion by Paul H. Tzur for presentment of motion to continue <u>7</u> before Honorable Edmond E. Chang on 4/9/2018 at 08:30 AM. (Tzur, Paul) (Entered: 04/04/2018)

04/04/2018	<u>9</u>	MINUTE entry before the Honorable Edmond E. Chang: The government's counsel reported that defense counsel in Texas states that he has no objection to the continuance motion <u>7</u> . The motion <u>7</u> is granted, and the arraignment is reset to 05/31/2018 at 10:30 a.m. Emailed notice (slb, ) (Entered: 04/04/2018)
05/18/2018	<u>10</u>	MINUTE entry before the Honorable Edmond E. Chang: AUSA Paul Tzur called the courtroom deputy to report that Defendant's trial in Texas federal court has been rescheduled for 06/04/2018. In light of that, the arraignment of 05/31/2018 is reset for 6/15/2018 at 10:45 AM. Emailed notice (slb, ) (Entered: 05/18/2018)
06/15/2018	<u>11</u>	MINUTE entry before the Honorable Edmond E. Chang as to Bernabe Lara: Arraignment called and continued for status hearing on 06/26/2018 at 1:30 p.m. Defendant has not been transported to this District, despite a 475 DOJ request to do so. The government reported that the Texas trial was continued to early 07/2019. The government shall confer with defense counsel on whether Defendant will consent to a video conference initial appearance and arraignment. The parties also will be considering whether a Rule 20 might be eventually appropriate, especially if Defendant is convicted of the Texas charge. Status report due by 06/21/2018. Mailed notice (mw, ) (Entered: 06/15/2018)
06/26/2018	<u>12</u>	MINUTE entry before the Honorable Edmond E. Chang: Status hearing held. The government reported that, last week, he emailed Defendant's counsel to ask about a Rule 20 transfer or whether Defendant will consent to a video conference initial appearance and arraignment. Defense counsel did not respond. The government reported that the Texas trial was continued to 08/13/2018. Status hearing set for 08/29/2018 at 9:15 a.m. The government shall review 18 U.S.C. 3161(j) to ensure that there is no Speedy Trial Act problem. Emailed notice (slb, ) (Entered: 06/26/2018)
08/24/2018	<u>13</u>	MINUTE entry before the Honorable Edmond E. Chang: The government shall file a status report by 12 p.m. on 08/28/2018. Emailed notice (slb, ) (Entered: 08/24/2018)
08/28/2018	<u>14</u>	STATUS REPORT by USA as to Bernabe Lara (Tzur, Paul) (Entered: 08/28/2018)
08/28/2018	<u>15</u>	MINUTE entry before the Honorable Edmond E. Chang: In light of the status report, the status hearing of 08/29/2018 is reset to 11/08/2018 at 8:30 a.m. Another status report is due by 10/29/2018. Emailed notice (slb, ) (Entered: 08/28/2018)
10/29/2018	<u>16</u>	STATUS REPORT by USA as to Bernabe Lara (Tzur, Paul) (Entered: 10/29/2018)
11/06/2018	<u>17</u>	MINUTE entry before the Honorable Edmond E. Chang: In light of the

		status report, R. 16, the status hearing of 11/08/2018 is reset to 01/22/2019 at 9:00 a.m., but the case also is set for an initial appearance and arraignment on that date and time. If a 475 form will not ensure Defendant's transportation for that date, then the government shall file a motion for writ ad prosequendum by 11/13/2018 for the next date. The reason for finally setting the initial appearance and arraignment is that this case, by that next date, will be over 10 months old without even the first steps being accomplished. As the Court has noted repeatedly and long ago, Defendant is free to avoid the in-person hearings if he consents to a video appearance, Fed. R. Crim. P. 5(f), 10(c), but of course he need not do so. Also, the hearings are being set now, more than 60 days in advance, to avoid interfering with the S.D. Texas case. After the initial appearance and arraignment, the Court is also receptive to discharging the writ temporarily so that the S.D. Texas case may continue forward if needed. Emailed notice (slb, ) (Entered: 11/06/2018)
12/17/2018	<u>18</u>	MOTION by USA to transfer case as to Bernabe Lara <i>Consent to Transfer of Case for Plea and Sentence (Under Rule 20)</i> (Tzur, Paul) (Entered: 12/17/2018)
12/17/2018	<u>19</u>	RULE 20 TRANSFER NOTICE by USA as to Bernabe Lara (Tzur, Paul) (Entered: 12/17/2018)
12/20/2018	<u>20</u>	MINUTE entry before the Honorable Edmond E. Chang: The motion <u>18</u> to transfer this case under Federal Rule of Criminal Procedure 20 is granted. The Clerk's Office shall transfer this case to the Western District of Texas (San Antonio). The status hearing of 01/22/2019 is vacated. Mailed notice. (mma, ) (Entered: 12/20/2018)
12/21/2018	<u>21</u>	CONSENT to Transfer Jurisdiction (Rule 20) to Western District of Texas (San Antonio). Counts closed as to Bernabe Lara (1) Count 1. (#1) Attachment, # <u>2</u> Attachment). (yap, ) (Entered: 12/21/2018)
12/21/2018		CERTIFIED and Transmitted to Western District of Texas (San Antonio) the complete record as to Bernabe Lara. (yap, ) (Entered: 12/21/2018)